

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-0005-BHL-1

D-1: JOHN D. WHELAN,

Defendant.

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**NOTICE OF INTENTION TO RAISE INSANITY DEFENSE AND/OR EXPERT  
TESTIMONY OF DEFENDANT'S MENTAL CONDITION PURSUANT TO RULE 12.2**

COMES NOW Defendant, JOHN D WHELAN, by and through his undersigned counsel, and provides this notice to the Court that Dr. Whelan intends to raise the insanity defense and/or introduce medical expert testimony related to a mental disease and defect on the theory that such mental condition is inconsistent with the mental state required for the offense charged.

1. Dr. Whelan was indicted for conspiring to unlawfully distribute controlled substances as well as substantive counts of controlled substance distribution between January 2018 to December 2020. The indictment also alleges that Dr. Whelan maintained a drug-involved premises in violation of 21 U.S.C. § 856(a)(1) and submitted false statements to a Department or Agency of the United States in violation of 18 U.S.C. § 1001.
2. Dr. Whelan is a 76-year-old male and during the course of counsel's representation of Dr. Whelan counsel has been given reason to retain an expert to evaluate Dr. Whelan's mental health.
3. On September 21, of 2022, Chapman Law Group retained Dr. Gerald Shiener, M.D. a psychiatrist to evaluate Dr. Whelan. Dr. Whelan was not able afford the cost of an expert

prior to this date due to the seizure of nearly all of his assets by the Government – an issue that was rectified pursuant to an agreement between the Defendant and the Government.

4. Dr. Shiener conducted a full psychiatric evaluation on Dr. Whelan and generated findings that necessitate notice pursuant to Fed. R. Crim. P. 12.2. Those findings will not be filed on the public record out of respect for Dr. Whelan's medical privacy, but a report has been furnished to the Government.
5. A copy of Dr. Shiener's report was provided to the Government on October 25, 2022.
6. As a result of Dr. Shiener's findings, Dr. Whelan now provides notice that he intends to raise the insanity defense and/or introduce medical expert testimony related to a mental disease and defect.

WHEREFORE, Dr. Whelan provides notice to this Court pursuant to Fed. R. Crim. P. 12.2 and requests that this Court permit late notice for good cause.

Respectfully Submitted,  
CHAPMAN LAW GROUP

Dated: October 31, 2022

/s/ Ronald W. Chapman II  
Ronald W. Chapman II, LL.M. (MI Bar No. P73179)  
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### **PROOF OF SERVICE**

I hereby certify that on October 31, 2022, I presented the foregoing document to the Clerk of the Court for filing and uploading to the ECF System, which will send notification of such filing to the attorneys of record listed herein and I hereby certify that I have mailed by US Postal Service the document to any involved non-participants.

/s/ Ronald W. Chapman II

Ronald W. Chapman II, LL.M. (MI Bar No. P73179)

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